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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,132	07/25/2001	Francis A. Perras JR.	426882000700	8225

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ACCENTURE C/O MORRISON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,132

Applicant(s)

PERRAS ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed March 24, 2004.

Claims 1, 5-8, and 12-14 have been amended.

Claims 1-14 are presented for examination.

2. The previously pending claim objection is withdrawn in response to Applicant's amendment of claim 8.

The previously pending objection to the specification is withdrawn in response to Applicant's amendment of the specification.

The previously pending rejections under 35 U.S.C. § 112, 2nd paragraph are withdrawn in response to Applicant's amendment of claims 5 and 12.

Response to Arguments

3. Applicant's arguments filed March 24, 2004 have been fully considered but they are not persuasive.

Applicant argues that Mui does not teach the newly incorporated claim limitation directed toward the provision of reports including recommendations to increase the business entity's performance relative to specific metrics (pages 11-14 of Applicant's response). The Examiner respectfully disagrees. Reports regarding "Learning Recommendations" (#2310) and "People Expert Recommendations" (#2320) are provided in relation to "Competency Gap Recommendations" (i.e., business metrics), as

shown in Figure 23. The corresponding excerpts in the specification explain that these recommendations are attached for future reference by other users of the system in search of business-related recommendations (see at least ¶¶ 1271-1272). The Examiner asserts that these teachings address the limitation, "wherein said data to assist the business entity in strategic plans development comprises reports including recommendations to increase the business entity's performance relative to specific metrics.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Mui et al. (US 2003/0229529 A1).

Mui discloses a data processing apparatus configured to provide data analysis to assist a business entity in improving operations relative to specified business metrics, the apparatus comprising:

[Claim 1] at least one database system containing operations data related to the business entity (¶¶ 169-199, 220);

a first computer mechanism, electronically coupled to at least one database system, the first computer mechanism containing a set of performance metric tools, for use in measuring specified business operations (Figs. 24, 27; ¶¶ 169-199, 220, 1287-1409); and

a second computer mechanism, electronically coupled to the at least one database system, containing a set of management tools configured to produce data to assist the business entity in self measurement, metric comparisons, and strategic plans development through the use of data contained in the at least one database system, wherein said data to assist the business entity in strategic plans development comprises reports including recommendations to increase the business entity's performance relative to specific metrics (Figs. 24, 27; ¶¶ 169-199, 220, 1213-1243, 1287-1409 -- Reports regarding "Learning Recommendations" (#2310) and "People Expert Recommendations" (#2320) are provided in relation to "Competency Gap Recommendations" (i.e., business metrics), as shown in Figure 23. The corresponding excerpts in the specification explain that these recommendations are attached for future reference by other users of the system in search of business-related recommendations (see at least ¶¶ 1271-1272));

wherein the performance metric tools and the management tools are configured to be accessible by a web-based client computer whereby information pertaining to a specific business entity management project may be accessed from the web-based client computer (¶¶ 41, 44);

[Claim 2] a third computer mechanism electronically coupled to the at least one database system, the third computer mechanism configured to contain a set of tools for workforce planning and analysis, with a companion set of learning tools to provide strategic employee development assistance recommendations, whereby the business entity is provided recommendations for optimizing its operations with respect to the specific business metrics (§§ 169-199, 220, 1213-1243, 1287-1409);

[Claim 3] wherein the at least one database system contains data related to one or more data centers which contain respectively data pertaining to knowledge operations, planning operations, contribution functions, information functions, and lifestyle functions (§§ 1213-1243, 1287-1409);

[Claim 4] wherein the data center pertaining to knowledge operations comprises one or more data functions for viewing, manipulating, graphing or downloading data pertaining to one or more of Program Management/Financial data, Capability Development Status data, Capability Deployment Status data, Business Benefits status data, or Project Open Issues data (Figs. 24, 27; §§ 1213-1409);

[Claim 5] wherein the Program Management/Financial data comprises data related to budgeted work completed, data related to actual work completed, data related to budgeted project dollars, and data related to actual work dollars (Figs. 24, 27; §§ 1289-1301, 1330-1331 -- Goals can be financially-based, quality-based, etc. For example, "budgeted data" is equivalent to Mui's goals and "actual data" is equivalent to Mui's calculation of progress in relation to the established goals. In Fig. 27, the goal to "increase unit profitability by 20%" and the goal to "increase support revenues by 50,000

USD" are financial goals and exemplify the claimed "project dollar data, budget and actual." Also in Fig. 27, the goal to "decrease product defects by 30%" is a quality-related goal and it exemplifies the claimed "work complete data, budget and actual").

[Claims 6-14] Claims 6-14 recite limitations already addressed by the rejection of claims 1-5 above; therefore, the same rejection applies.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz
Susanna M. Diaz
Primary Examiner
Art Unit 3623
July 7, 2004